

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
Intersec. Fairmount Ave. 100 ft. wide
& E Pennsylvania Ave., 60 ' wide * ZONING COMMISSIONER
311 E. Pennsylvania Avenue
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
Towson Properties * Case No. 99-93-SPH
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Special Hearing, pursuant to Sections 26-172(b) and 26-171 of the Baltimore County Code (BCC) by the owner of the subject property, Towson Properties, through its attorney, Robert A. Hoffman, Esquire, The Petitioner seeks approval of a waiver of the requirements of Section 26-203(c)(8) of the BCC, and Section 26-278 of the BCC, as those regulations relate to the preservation of historic buildings and sites, to approve the razing of a historic building. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Special Hearing.

10/22/99
J. J. G. G. G.
Section 26-171 of the BCC sets out certain exemptions from the development review process as set out in the development regulations, Article 5, Title 26 of the BCC. Section 26-172(b) of the Code provides that waivers from the requirements of Section 26-203 (i.e., development plan) can be granted by the Director of Permits and Development Management. Such requirements can be waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope, purpose and intent of the regulations, and that the proposed development complies with all of the County laws, ordinances and regulations. In order to afford due process, the Director has designated the Zoning Commissioner (Hearing Officer) to

consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on September 18, 1998. There has been no request by the public for a hearing or any public input for the requisite period (15 days) after posting of the property. Thus, the matter is eligible for review.

The Petitioner has filed the requisite site plan, legal description and supporting documents and affidavits as required by Section 26-171(b)(1) of the BCC. The site plan shows that the subject property is an irregularly shaped parcel, approximately 1.86 acres in area, zoned BN-CT, and is improved with an historic dwelling which bears the address of 311 E. Pennsylvania Avenue. The property is located in Towson, adjacent to the intersection of Fairmount Avenue and Pennsylvania Avenue. The Petitioner proposes razing the existing dwelling.

The information submitted is persuasive to a finding that the proposed razing is appropriate, as there is no justification to preserve this building. In fact, the matter came before the Landmarks Preservation Commission for consideration on October 8, 1998. At their meeting, the Landmarks Preservation Commission unanimously recommended approval of the demolition of the structure, conditioned upon a requirement that the Petitioner submit photographic documentation of the structure, prepared to the National Register Standards and approved by the County Historian. The Office of Planning, upon reporting the action of the Landmarks Preservation Commission, recommended approval of the Petition for Special Hearing and a finding that compliance with the applicable provisions of the County Code would cause unnecessary hardship. The Office of Planning opined that the structure is in poor condition and has lost the majority of its original historic fabric and decorative elements. There is no evidence in the file to indicate that the requested waiver would adversely affect the

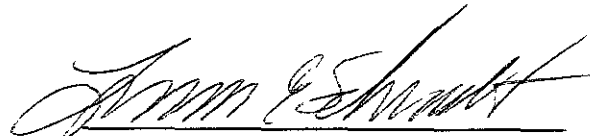
health, safety or general welfare of the surrounding community and should, therefore, be granted. Moreover, the request complies with the requirements of the Baltimore County Zoning Regulations (BCZR) and should be approved.

Pursuant to the posting of the property and the provisions of the BCC and the BCZR, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of October 1998 that the Petition for Special Hearing seeking approval of a waiver, pursuant to Section 26-171 and 26-172(b) of the BCC, of the requirements of Sections 26-203(c)(8) and 26-278 of the BCC, as those regulations relate to the preservation of historic buildings and sites, all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Prior to the issuance of a razing permit and demolition, the Petitioner shall submit photographic documentation of the structure, prepared to the National Register Standards, to be reviewed and approved by the County Historian.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORIGINAL FILED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 19, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Administrative Special Hearing
Case No. 99-93-SPH
Property: 311 E. Pennsylvania Avenue
Legal Owner: Towson Properties

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Special Hearing has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 311 E. Pennsylvania Avenue
which is presently zoned BM-CT

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), 26-203(C)(8), and 26-278 of the Baltimore County Code to raze a historic building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

Towson Properties

(Type or Print Name)

Signature: John C. Cannella, Authorized Construction Agent

(Type or Print Name)

Signature

10501 Montrose Avenue

Address

(410) 769-6100

Phone No.

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No.

Towson

City

MD

State

21204

Zipcode

Bethesda

City

MD

State

20814

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

DROP. OFF
NO REVIEW
9/2/98

UCR

99-93-SPH



Petition for Administrative Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 311 E. Pennsylvania Avenue
which is presently zoned BM-CT

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to

raze a historic building.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Towson Properties

Name - Type or Print

Signature John C. Cannella, Authorized Construct.

Agent

Name - Type or Print

Signature

10501 Montrose Avenue (410) 769-6100

Address

Telephone No.

Bethesda

MD

20814

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire
Name

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

CASE NUMBER

99-93-SPH

Revised 9/3/98 - wcr/scj

Zoning Commissioner of Baltimore County
DROP-OFF - NO REVIEW
Reviewed By wcr Date 9-11-98
Estimated Posting Date 9-20-98

21507214
Affidavit

**in Support of Administrative
Special Hearing**

(See attached.)

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10501 Montrose Avenue
Address

Bethesda MD 20814
City State Zip Code

That the Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John C. Cannella John C. Cannella
Signature Signature

John C. Cannella, Authorized Construction John C. Cannella
Name - Type or Print Agent Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of September, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John C. Cannella

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

9/15/98
Date

ROBYNE LEE HOCK
Notary Public State of Maryland
Baltimore County
My Commission Expires 7/1/2002
Robyne Lee Hock
Notary Public

My Commission Expires 7/1/2002
H92-EP-PP

W31V39 011 - 770-9090
29-11-0
Revised 1/98 - WCR/scj
8P-05-P

Affidavit

in Support of Administrative Special Hearing

(See attached.)

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10501 Montrose Avenue
Address

Bethesda MD 20814
City State Zip Code

That the Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Signature

John C. Cannella, Authorized Construction
Name - Type or Print Agent

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of September, 1998 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John C. Cannella

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Date

Notary Public

ROBYNE LEE HOCK
Notary Public State of Maryland
Baltimore County
My Commission Expires

My Commission Expires

RECEIVED - NO REVIEW
DROPPED - WCI/SC
SEP 15 1998
BP-05-P

492-EP-00

HISTORIC



Petition for Administrative Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 311 E. Pennsylvania Avenue

which is presently zoned BM-CT

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to

raze a historic building.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Towson Properties

Name - Type or Print

Signature John C. Cannella, Authorized Construct.
Agent

Name - Type or Print

Signature

10501 Montrose Avenue (410) 769-6100

Address

Telephone No.

Bethesda

MD

20814

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire

Name

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

CASE NUMBER

99-93-SPH

Revised 9/3/98 - wcr/scj

Zoning Commissioner of Baltimore County

DROP-OFF - NO REVIEW

Reviewed By

WCR

Date

9-11-98

Estimated Posting Date

9-20-98

The building in question is in serious disrepair. This building has no known historical or architectural value. Further, the original CRG Plan (approved March 29, 1990, last revised August 6, 1998) for the property was approved with a notation that the building was "to be removed."

ZONING DESCRIPTION
August 25, 1998

Description to accompany a Special Hearing
311 East Pennsylvania Avenue
Towson, Maryland
Deed References: 5694/184, 5226/479, 5408/964
Property of Towson Properties

Beginning for the same at a point at the intersection of Fairmount Avenue, 100' wide, and East Pennsylvania Avenue, 60' wide thence N47°34'47"W, 90.35' to a Point of Beginning on the subject property, thence the following courses:

S80°10'53"W, 72.14', being the chord of a curve having a radius of 125.00' and a length of 73.85', thence N83°02'49"W, 160.02', thence N13°59'30"E, 192.61', thence N75°30'30"W, 45.50', thence N13°59'30"E, 150.00', thence S75°30'30"E, 274.63', thence S14°09'15"W, 291.45' back to the Point of Beginning, containing 81,281.02 SQUARE FEET, (1.86 ACRES).

NOTE:

The above description is for zoning purposes only and is not intended to be used for property conveyances or agreements.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **058701**

DATE 9/2/98 ACCOUNT 001-6150
AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard

FOR: SPECIAL HEARING Item #93
311 E. Pennsylvania Avenue Case #8899-93-SPH
Drop Off — No Review

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/4/1998 9/03/1998 15:49:00

REC MSG2 CASHIER JRIC JMR DRAWER 2
5 MISCELLANEOUS CASH RECEIPT
Receipt # 061840 OFLN
CR NO. 058701

250.00 CHECK: FN
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **058701**

DATE 9/2/98 ACCOUNT 001-6150
AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard

FOR: SPECIAL HEARING Item #93
311 E. Pennsylvania Avenue Case #8899-93-SPH
Drop Off — No Review

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/4/1998 9/03/1998 15:49:00

REC MSG2 CASHIER JRIC JMR DRAWER 2
5 MISCELLANEOUS CASH RECEIPT
Receipt # 061840 OFLN
CR NO. 058701

250.00 CHECK: FN
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **058734**

DATE 9/17/98 ACCOUNT 001-6150

AMOUNT \$ 100.00 (WCR)

RECEIVED FROM: Venable, Zetser & Howard

FOR: REVISION FEE CASE #99-93-SPH

Drop-Off --- No Review

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/21/1998 9/18/1998 16:11:35
REG W306 CASHIER MUEL MPW DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 040321
CR NO. 058734

100.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **058734**

DATE 9/17/98 ACCOUNT 001-6150

AMOUNT \$ 100.00 (WCR)

RECEIVED FROM: Venable, Zetser & Howard

FOR: REVISION FEE CASE #99-93-SPH

Drop-Off --- No Review

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/21/1998 9/18/1998 16:11:35
REG W306 CASHIER MUEL MPW DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 040321
CR NO. 058734

100.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN

RE: Case No.

99-93-SPH

Petitioner/Developer

#311 E. PENNA. AVE, ETAL

c/o ROBERT HOFFMAN, ESP

Date of Hearing/Closing

10/5/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law

were posted conspicuously on the property located at

#311 EAST PENNSYLVANIA
AVE.

The sign(s) were posted on

9/18/98

(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 9/28/98

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE
SPECIAL HEARING

CASE # 99-93-SPH

ADMINISTRATIVE SPECIAL HEARING TO
APPROVE A WAIVER PURSUANT TO SECTIONS
26-171, 26-172(b), 26-203(c)(8) AND 26-278 OF
BALTIMORE COUNTY CODE TO RAZE A HISTORIC
BUILDING (#311 EAST PENNSYLVANIA AVENUE)
27-D-6

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(h)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED WAIVER, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
5:00 p.m. ON MONDAY, OCTOBER 5, 1998
ADDITIONAL INFORMATION IS AVAILABLE AT
PERMITS AND DEVELOPMENT MANAGEMENT

311 E PA. AVE 99-93-SPH

V.B.H.

9/18/98

10/5/98

RE: PETITION FOR SPECIAL HEARING
311 E. Pennsylvania Avenue, W/S Fairmount Ave
between Pennsylvania Ave and Payne Ave, 9th
Election District, 4th Councilmanic

Legal Owners: Towson Properties

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-93-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATESCase Number 99- 93 -SPHAddress 311 E. Pennsylvania AveContact Person: Carl Richards

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 9-11-98Posting Date: 9-20-98Closing Date: 10-5-98

Any contact made with this office regarding the status of the administrative special hearing should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE SPECIAL HEARING SIGN FORMAT**Case Number 99- 93 -SPH Address 311 E. Pennsylvania AvePetitioner's Name Towson Properties Telephone 769-6100Posting Date: 9-20-98 Closing Date: 10-5-98

Wording for Sign: Administrative Special Hearing to approve A WAIVER PURSUANT TO
SECTIONS 26-171, 26-172(b), 26-203(c)(8), AND 26-278 OF
BALTIMORE COUNTY CODE TO RAZE A HISTORIC
BUILDING.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: _____

Petitioner: Towson Properties

Location: 311 E. Pennsylvania Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormrod

ADDRESS: 210 Allegheny Ave.

Towson, Md 21204

PHONE NUMBER: 410 -494-6201

AJ:ggs

(Revised 09/24/96)

99.93.3PH -16-





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 2, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Drop-Off Petition, Item #93, Case #99-93-SPH, 311 E. Pennsylvania Avenue

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-93-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE A
WAIVER PURSUANT TO SECTIONS
26-171, 26-172(b), 26-203(c)(8) and
26-278 OF THE BALTIMORE COUNTY CODE
TO RAZE A HISTORIC BUILDING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 6, 1998

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 93
Case No.: 99-93-SPH
Location: 311 E. Pennsylvania
Avenue

Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on September 11, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

DATE: 9/17/98

SUBJECT: Zoning Advisory Committee
Meeting Date: 9/14/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 92
 (93)
 95
 98
 99
 100

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

DATE: 9/23/98

FROM: R. Bruce Seeley *RBS/ya*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 9/23/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 114

115

117

118

119

99-93-SPA

RBS:sp

BRUCE2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Date: 3.11.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 093 WCR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Date: 9.25.95

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. # 99-93-SPH
311 E. PENNO. AVE.

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 23, 1998

FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 21, 1998
Item Nos. 091, 092, 093, 095, 096,
097, 098

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0921.NOC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: October 5, 1998
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 5, 1998
REVISED PETITION FORMS (CHANGING
TO ADMINISTRATIVE SPECIAL HEARING)
FOR ZONING CASE #99-93-SPH
311 E. Pennsylvania Avenue

The Development Plans Review Division has reviewed the subject zoning item. Our office received no plans for above mentioned case.

RWB:HJO:jrb

cc: File

CASE9998.SPH

AV
99-83 SP4
10/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt
Zoning Commissioner

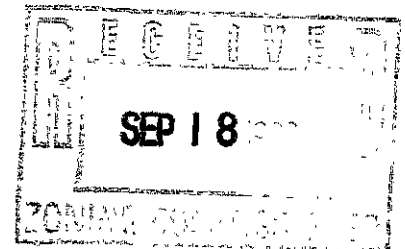
DATE: September 17, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 311 E. Pennsylvania Avenue

INFORMATION

Item Number: 93
Petitioner: Towson Properties
Zoning: BM-CT
Requested Action: Special Hearing



Summary of Recommendations:

The above referenced case is following the procedure outlined in Section 26-127(b)(1) of the Baltimore County Code. Since posting requirements will be satisfied on October 5, 1998, the Office of Planning requests that any decision on this matter be postponed until such time as the Landmarks Preservation Commission reviews the information provided by the petitioner at their next scheduled meeting on October 8, 1998. Comments will be forwarded to you immediately following the scheduled meeting.

Section Chief:

Jeffrey M. Long

AFK/JL

BALTIMORE COUNTY, MARYLAND**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 9, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 311 E. Pennsylvania Avenue

INFORMATION

Item Number: 93
Petitioner: Towson Properties
Zoning: BM-CT
Requested Action: Special Hearing

Post-it® Fax Note	7671	Date	# of pages 6
To	BARB A.	From	KIM A.
Co./Dept.		Co.	LPC
Phone #		Phone #	887-3211
Fax #		Fax #	-5962

COMMENTS ON PROCEDURE - The petition requests a Special Hearing "to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(c)(8) and 26-278...." The first reference is incorrectly stated and the second two are inappropriate.

1. Section 26-171 lists the situations in which a proposed development qualifies for a complete exemption from the requirements in Division 2. A waiver might be granted (pursuant to the authority in Section 26-172) in conjunction with a finding of eligibility under Section 26-171, but a waiver could not be granted "pursuant to" the latter section.
2. Subsection 26-172(b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172(a). If the proposed construction must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making the granting of a waiver under subsection 26-172(b) unnecessary.
3. Subsection 26-203(c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172(b) waiver), the matter is moot. Even if a development plan is somehow required, this waiver would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that would cause the need for compliance with Section 26-278.

MEMO TO: Arnold Jablon
DATE: October 9, 1998
SUBJECT: 311 E. Pennsylvania Avenue
Page 2

RECOMMENDATIONS ON PROCEDURE - The Petition should be amended, at no prejudice or further cost of delay to the petitioner, to request approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172 (a)(1) or (2).

RECOMMENDATIONS ON THE PROPOSAL -

Special hearing (Case No. 99-93-SPH) involves a proposal for a demolition of MHT Inventory # BA 1722, "Bellview" (ca. 1850-1853). At their meeting on October 8, 1998, the Landmarks Preservation Commission unanimously recommended approval for the demolition of this structure, conditioned that the applicant submits photographic documentation of the structure, prepared to National Register standards and approved by the County Historian.

The Office of Planning recommends approval of a waiver from compliance with Section 26-278 with the finding that compliance with these regulations would cause unnecessary hardship. The structure is in poor condition and has lost the majority of its original historic fabric and decorative elements.

Section Chief: Jeffrey W. Long

AFK:JL:KA:rlh

c: Robert C. Scott
Landmarks Preservation Commission

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

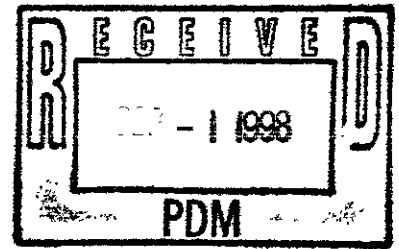
VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
(410) 494-6206

September 1, 1998

HAND-DELIVERED

Mr. Carl Richards
Department of Permits and
Development Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Re: Petitioner/Property Owner: Towson Properties
Location: 311 E. Pennsylvania Avenue
Petition for Special Hearing

Dear Mr. Richards:

I am drop-filing the enclosed Petition for Special Hearing with regard to the above captioned property. This request has not been previously reviewed by your office. This property is not in violation of any zoning laws. Enclosed are the following documents:

1. Petition for Special Hearing (3);
2. Zoning Description (3);
3. Site Plan (12);
4. 200' Scale Zoning Map (1);
5. Newspaper Advertising Form; (1) and
6. Check in the amount of \$250.00

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,

A handwritten signature in black ink, appearing to be "PA" followed by a long, sweeping horizontal line.

Patricia A. Malone

PAM/sm
Enclosures
TO1DOCS1/PAM01/0070680.01

99-93.SPH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

September 28, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Drop-Off Petition Review (Item #93), 311 E Pennsylvania Ave., 9th Election District

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Alexander".

John R. Alexander
Planner II, Zoning Review

JRA:rye

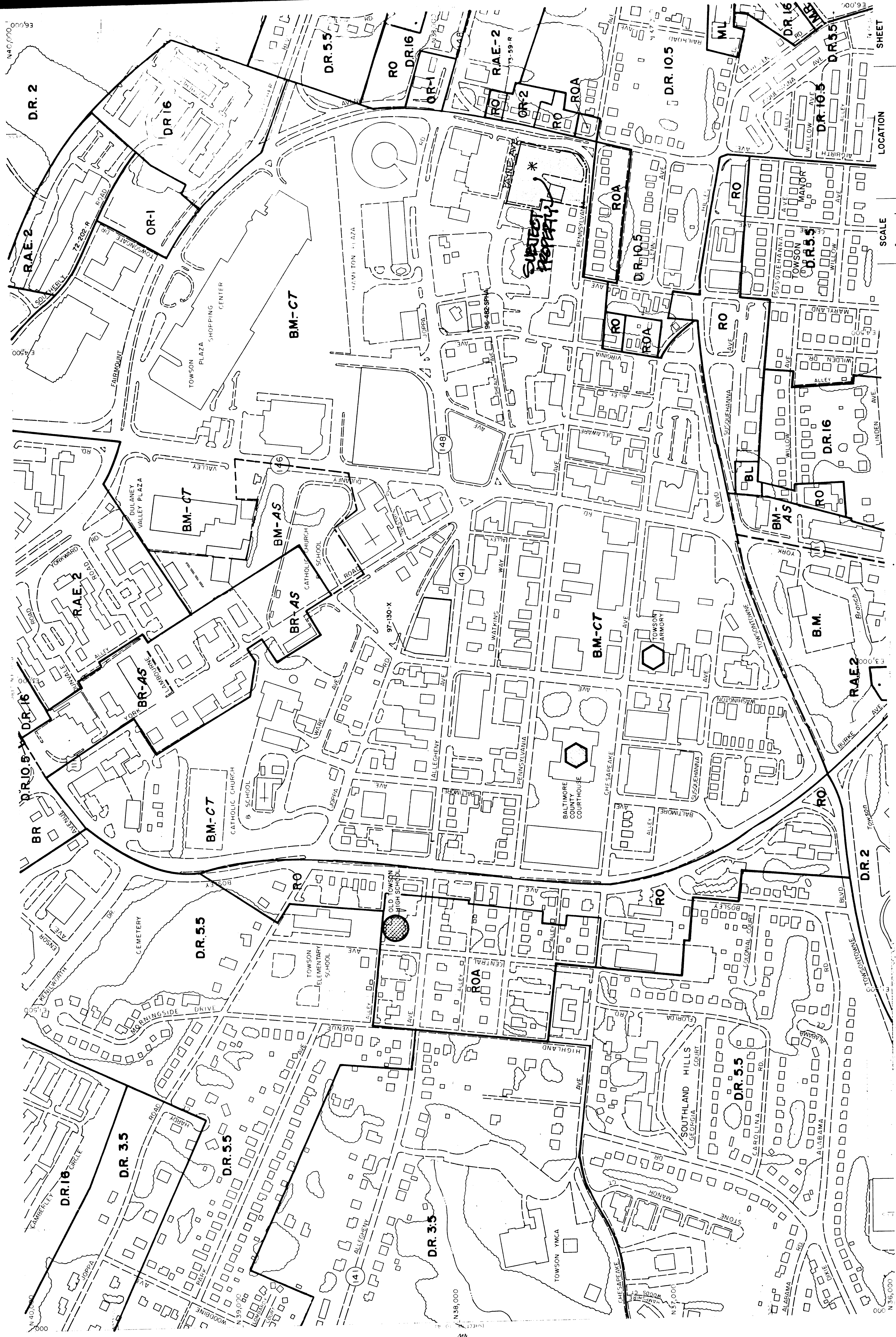
Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200'	DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION TOWSON	SHEET N.E. 10-A

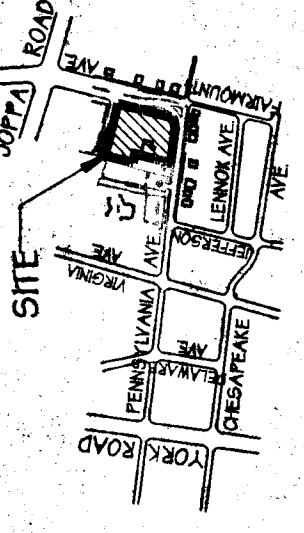
O-NE N-NW
S-SE R-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

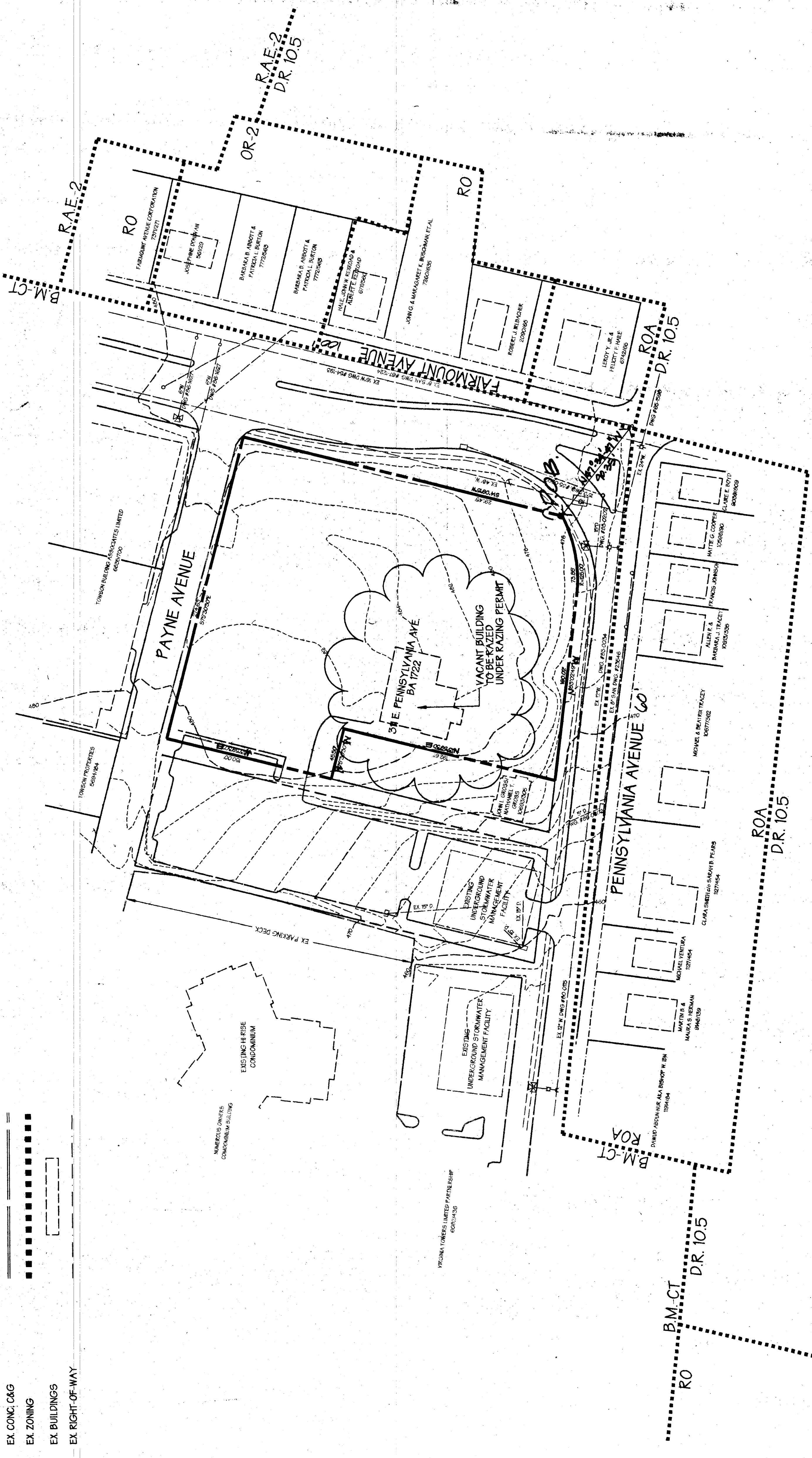
99-93-SP4

LEGEND

- PROPERTY LINE
- EXISTING CONDUITS
- EX STORM DRAINS
- EX WATER
- EX SANITARY
- EX CONC. C&G
- EX ZONING
- EX BUILDINGS
- EX RIGHT-OF-WAY



VICINITY MAP
SCALE: 1" = 1000'



1820

SPECIAL HEARING
26-17126-17250, 26-203(C)(9) and
26-278 - SPECIAL HEARING TO
APPROVE A WAIVER TO
RAZE A HISTORIC BUILDING.

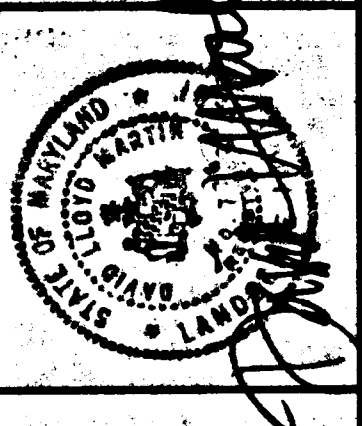
SITE DATA
1. EXISTING ZONING - BM-CT
2. EXISTING USE - VACANT
3. DEED REFERENCE
5694184.5226/479.5408/964
4. TAX ACCOUNT NO. 5
09-09-801210
9-090801211
9-090801212
9-1800004349
9-180001873
5. OWNER: TOWSON PROPERTIES
10301 MONTROSE AVE.
BETHESDA, MD. 20814

LOCATION INFORMATION
COUNCILMANIC DISTRICT 4TH
ELECTION DISTRICT 9TH
1" = 200' SCALE MAP # NE 10-A
LOT SIZE - 186 ACRES, 8126.68 S.F.

ZONING OFFICE USE ONLY
REVIEWED BY: ITEM # CASE NO.

49.93-SPH

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120



PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

DATE: AUGUST 24, 1998 SCALE OF DRAWING: 1" = 50'